



# Public Notice

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 2007-529

Date: May 23, 2007

Notice No. 07-19

Closing Date: June 12, 2007

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.
2. APPLICANT: IMI FABI, LLC  
2<sup>nd</sup> & Marshall Streets  
Benwood, WV 26031  
  
AGENT: Ohio River Salvage, LLC  
1290 Maple Street  
Crescent, PA 15046
3. LOCATION: Ohio River, left bank, Mile 93.3, Benwood, Marshall County, West Virginia.
4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to construct an embedded barge dock just downstream of the center of an existing barge unloading dock which has been mothballed due to a change from unloading barges daily to a barge every month or so. The work would consist of excavating an 180-foot long by 19-foot wide by 10-foot deep notch in the riverbank, placing a barge in the excavated area, backfilling the barge and placing an identical barge atop the bottom barge and backfilling it with the excavated material. All of the excavated material (approximately 2,000 cubic yards) would be used to fill the barges. When completed, the dock would be utilized to unload dry bulk material. Drawings of the proposed work are attached to this notice.
5. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or

threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

6. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

7. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

8. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

9. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is

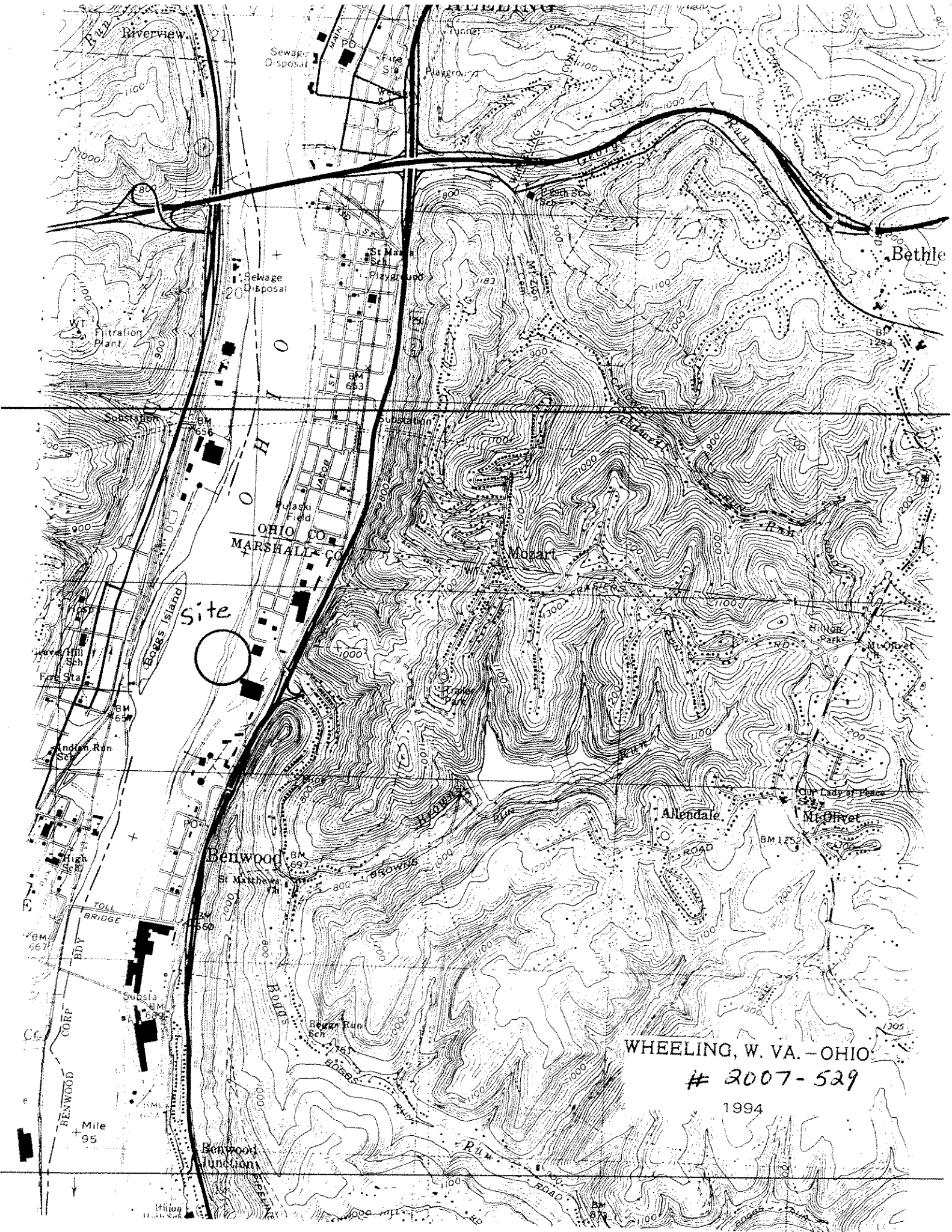
CELRP-OP-F  
Public Notice No. 07-19

made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Linda Malsch, at the above address, by telephoning (412) 395-7392, or by e-mail at [linda.m.malsch@usace.army.mil](mailto:linda.m.malsch@usace.army.mil). Please refer to CELRP-OP-F 2007-529 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//

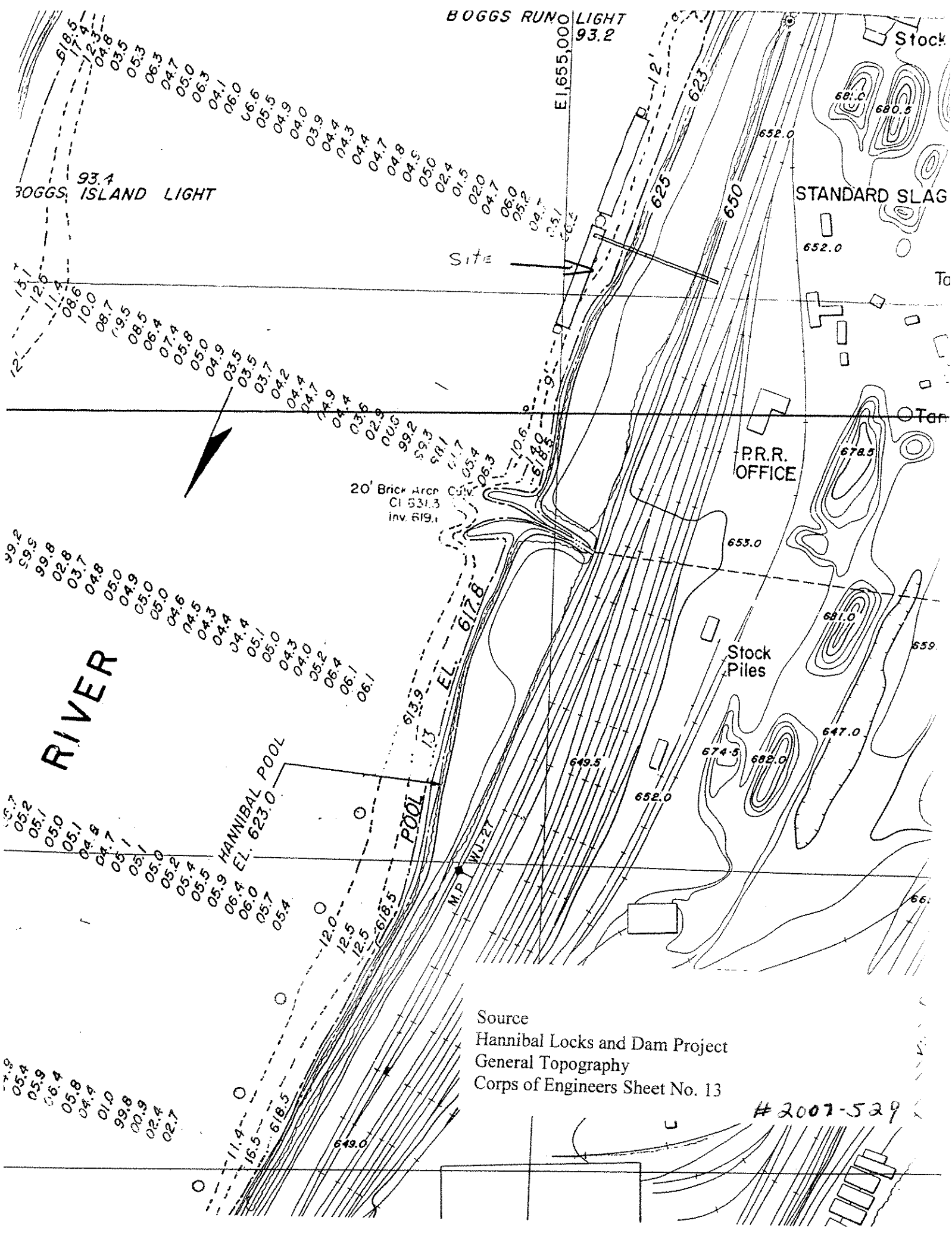
Scott A. Hans  
Acting Chief, Regulatory Branch



WHEELING, W. VA. - OHIO

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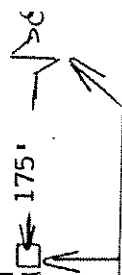
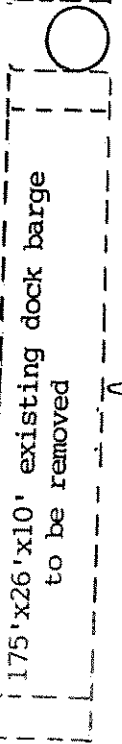
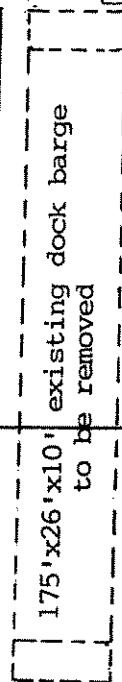


Existing Road/  
Parking Lot

2,200 cu yds dredging  
300 cu yds drift removal

Proposed relocated dock

N.P. waters edge El. 623.0



Existing unloading dock

Flow →

IMIFABI

Dock Relocation

Mile 93.3, LDB

Ohio River

Benwood, Marshall Co,  
WV

Dwg Fla

#2007-529

OHW 635.1

Top El. 633.0

N.P. El. 623.0

El. 613.0

Existing Access Road

Existing Concrete Wall

IMTFABI

Dock Relocation  
Mile 93.3, RDB  
Benwood, Marshall  
Co., W. Virginia

Dwg. F2

# 2007-529